

DETAILED ACTION

1. This Office Action has been issued in response to Applicant's Arguments filed February 3, 2009.
2. Claims 1, 3-6, 8, 20, 22-25, 27, 39 and 41-43 have been examined and are pending.

Response to Arguments

3. Applicant's arguments filed February 3, 2009 have been fully considered but they are not persuasive.
4. Applicant's arguments with respect to claim 1 have been considered but they are not persuasive. Applicant argues that Berger does not disclose 'initiating a connection between the mobile device and a communication network responsive to configuring the mobile device'. Examiner disagrees.
5. Applicant specifically argues that the recitation of claim 1 is different than the exemplary embodiment relied upon by the examiner. Examiner recognizes that the recitation of the claim does not specifically claim the exemplary embodiment disclosed, wherein the base station is implementing the access point/network. However, the claim is also not specified in such a way that would bar that interpretation from being applied. The claim recites 'initiating a connection between the mobile device and a communication network responsive to configuring the mobile device'. This does not bar a situation where there is a unit between the mobile device and the communication network. The mobile device would still be connected to the network because it can communicate over the network. In fact based on most networks requiring access points, it is reasonable to say that this is the usual state of connection between mobile devices and

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communication networks. The implementation in Berger simply has the base station also implementing the access point. The telephone disclosed in Berger is able to make phone calls over the telephone network and as such is seen to be connected to the network.

6. Furthermore applicant asserts the mobile device is seeking to establish a connection for accessing a network, not to strictly use the base station as an intermediary to establish the connection for accessing the network. While the claims do not limit the invention such that the device would strictly used the base station as an intermediary, it also does not bar such an interpretation. As disclosed above, it is seen that a connection is still established because the device is still able to communicate over the network.

7. Applicant argues that the handset is not capable of establishing any direct or independent link with the public switched telephone network and that the handset is not capable of establishing a secure link to the public switched telephone network. There is no language in the claim that would require the connection to be direct or independent. As to it being a secure connection the goal of Berger's invention is to generate a secure link (column 2 lines 50-55) and as such it is seen to meet this limitation. However, again, there does not appear to be any language in claim 1 that would require the connection to be secure.

8. Finally applicant argues that the connection of the handset of Berger with the base station is not a connection between a mobile device and a communication network. Examiner disagrees with this assertion. The mobile device in Berger is a telephone that communicates over the telephone network. The fact that the mobile device is able to communicate over the network means the mobile device is connected to the communication network. The handset of Berger

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may utilize the base station as an access point to the network, however it is still connected to the network.

9. Applicant's arguments with respect to claims 3-6, 8, 20, 22-25, 27, 29 and 41-43 have been considered but they are not persuasive. Applicant argues that the claims are allowable for at least the reasons recited in claim 1. As such, examiner recites the reasons used above.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1, 3, 8, 20, 22, 27, 39 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6507734 to Berger et al. (hereinafter “Berger”), and further in view of US Pat. No. 5652602 to Fishman et al. (hereinafter “Fishman”).

14. **As to Claim 1, Berger discloses a method for configuring a mobile device, comprising:**

receiving a [video] signal encoded with configuration data from an interface unit proximate the mobile device (Column 2 lines 50 – 58 of Berger discloses transmitting a sound based on a security code (configuration data) at the base station (interface unit) and then receiving the sound at the handset (mobile device)); **and**

configuring the mobile device based on the configuration data (Column 2 lines 50 – 58 of Berger discloses establishing a radio frequency link between the handset and the base station utilizing the security code. This is seen to be configuring the handset based on the configuration data since the link is being established using the security code); **and**

initiating a connection between the mobile device and a communication network responsive to configuring the mobile device (Column 2 lines 50 – 58 of Berger discloses establishing a radio frequency link between the handset and the base station utilizing the security code. The radio frequency link is seen to be the connection that is initiated between the mobile device and the communication network. Wherein this is representative of the scenario disclosed by the

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applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network. Thus it is seen to be the same thing as connecting to the communication network).

Berger does not explicitly disclose using a video signal.

However, Fishman discloses this (Column 6 lines 19-40 of Fishman disclose programming a watch by holding its optical sensor in juxtaposition with a monitor screen)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine programming a mobile device via audible signals as disclosed by Berger, with programming a mobile device via video signals as disclosed by Fishman. One of ordinary skill in the art would have been motivated to combine in order to utilize another form of short range communication. Using various forms of short range communications each have their advantages and disadvantages, and so substituting one for the other as needs change is obvious. As such it is seen that it would have been obvious to substitute using audible signals with using video signals to configure the mobile device.

15. **As to Claim 3**, Berger-Fishman discloses the invention as claimed as described in claim 1, **wherein the interface unit is coupled to the communication network** (Figure 1 of Berger discloses the base unit being connected to the telephone network), **and the method further comprises sending a confirmation message from the mobile device through the communication network to the interface unit responsive to initiating the connection** (Column 6 lines 5 – 10 of Berger discloses that in response to receiving the sound the handset

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transmits a signal over the radio frequency link to the base unit utilizing the security code.

Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network. Thus it is seen that the sending the confirmation through the radio frequency link is the same as being sent through the network).

16. **As to Claim 8**, Berger-Fishman discloses the invention as claimed as described in claim 1, wherein the mobile device comprises a headset having a sensor and the method further comprises receiving the video signal through the sensor (Column 6 lines 19-40 of Fishman disclose programming a watch by holding its optical sensor in juxtaposition with a monitor screen).

Examiner recites the same rationale to combine used in claim 1.

17. **As to Claim 20**, Berger discloses **a mobile device, comprising:**
a [video] sensor (Column 5 lines 65 – 67 of Berger discloses that the transmitted security code is received by the microphone of the handset. Where the microphone is seen to be an audio sensor since it is picking up the security code that is transmitted via sound); **and**
a processing unit coupled the [video] sensor and adapted to receive a signal encoded with configuration data through the [video] sensor from an interface unit proximate the mobile device and configure the mobile device based on the configuration data (Column 5 lines 9 – 20 of Berger discloses that the handset has a microprocessor for controlling the handsets

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functions. Then column 2 lines 50 – 58 of Berger disclose transmitting a sound based on a security code at the base station and then receiving the sound at the handset. Further column 2 lines 50 – 58 of Berger disclose establishing a radio frequency link between the handset and the base station utilizing the security code. Since it is the handset performing these functions it would be inherent that the handset's microprocessor would be responsible for these actions), **wherein the processing unit is further adapted to initiate a connection with a communication network responsive to configuring the mobile device** (Column 2 lines 50 – 58 of Berger discloses that the handset establishes a radio frequency link between the handset and the base station utilizing the security code. The radio frequency link is seen to be the connection that is initiated between the mobile device and the communication network. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network. Thus it is seen to be the same thing as connecting to the communication network).

Berger does not explicitly disclose using a video sensor.

However, Fishman discloses this (Column 6 lines 19-40 of Fishman disclose programming a watch by holding its optical sensor in juxtaposition with a monitor screen)

Examiner recites the same rationale to combine used in claim 1.

18. **As to Claim 22**, Berger-Fishman discloses the invention as claimed as described in claim 20, **wherein the processing unit is further adapted to send a confirmation message through the connection with the communication network to the interface unit responsive to**

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initiating the connection with the communication network (Column 6 lines 5 – 10 of Berger it is disclosed that in response to receiving the sound the handset transmits a signal over the radio frequency link to the base unit utilizing the security code. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network).

19. **As to Claim 27**, Berger-Fishman discloses the invention as claimed as described in claim 20, **wherein the mobile device comprises a headset having a sensor coupled to the processing unit, and the processing unit is further adapted to receive the signal through the sensor** (Column 5 lines 65 – 67 of Berger discloses that the transmitted security code is received by the microphone of the handset, wherein the microphone is seen to be a sensor. The handset and headset are seen to be obvious variations of each other and at the time the invention was made it would have been obvious to one of ordinary skill in the art to interchange the handset and headset for added convenience to the user).

20. **As to Claim 39**, Berger discloses **an apparatus, comprising:**
means for receiving a [video] signal encoded with configuration data from an interface unit proximate a mobile device (Column 2 lines 50 – 58 of Berger discloses transmitting a sound based on a security code (configuration data) at the base station (interface unit) and then receiving the sound at the handset (mobile device)); **and**

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means for configuring the mobile device based on the configuration data (Column 2 lines 50 – 58 of Berger discloses establishing a radio frequency link between the handset and the base station utilizing the security code. This is seen to be configuring the handset based on the configuration data since the link is being established using the security code); **and mean for initiating a connection between the mobile device and a communication network responsive to configuring the mobile device** (Column 2 lines 50 – 58 of Berger discloses that the handset establishes a radio frequency link between the handset and the base station utilizing the security code. The radio frequency link is seen to be the connection that is initiated between the mobile device and the communication network. Wherein this is representative of the scenario disclosed by the applicant where the interface unit may actually implement the network and the mobile device connects to the network through the interface unit for communication, as opposed to directly connecting to the network. Thus it is seen to be the same thing as connecting to the communication network).

Berger does not explicitly disclose using a video signal.

However, Fishman discloses this (Column 6 lines 19-40 of Fishman disclose programming a watch by holding its optical sensor in juxtaposition with a monitor screen)

Examiner recites the same rationale to combine used in claim 1.

21. **As to Claim 41**, Berger-Fishman discloses the invention as claimed as described in claim 1, **wherein the receiving of the video signal includes detecting a visual pattern** (Column 6 lines 19-40 of Fishman disclose a sequence of optical patterns begin to flash across the monitor screen to optically transmit data to the mobile device).

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Examiner recites the same rationale to combine used in claim 1.

22. **As to Claim 42**, Berger-Fishman discloses the invention as claimed as described in claim 41, **wherein the visual pattern includes a plurality of on-off flashes or a moving pattern** (Column 6 lines 19-40 of Fishman disclose a sequence of optical patterns begin to flash across the monitor screen to optically transmit data to the mobile device. Column 2 lines 16-29 disclose illuminated lines are binary ‘0’ bits and non-illuminated lines are binary ‘1’ bits).

Examiner recites the same rationale to combine used in claim 1.

23. **As to Claim 43**, Berger-Fishman discloses the invention as claimed as described in claim 20, **wherein the video sensor includes a photocell set** (Column 6 lines 12-18 of Fishman disclose the watch has an optical or IR sensor, these are both seen to inherently include photocell sets).

Examiner recites the same rationale to combine used in claim 1.

24. Claims 4-6 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger-Fishman, and further in view of “Wireless Headset HDW-2 Users’s Guide” to Nokia (hereinafter “HDW-2 User Guide”).

25. **As to Claim 4**, Berger-Fishman discloses the invention as claimed as described in claim 1. Berger-Fishman does not explicitly disclose **further comprising providing a confirmation signal to a user of the mobile device responsive to configuring the mobile device.**

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However, HDW-2 User Guide discloses (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. This is seen to providing a confirmation signal to the user responsive to the configuration of the pairing)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of claim 1 as disclosed by Berger, with providing a confirmation signal to a user responsive to configuration as disclosed by HDW-2 User Guide. One of ordinary skill in the art would have been motivated to combine in order to inform the user that they can start using the headset (Page 12 of HDW-2 User Guide). Giving users confirmation of when a process is over so that they may act upon it is well-known and thus would have been obvious to try to implement in Berger's system.

26. **As to Claim 5**, Berger-Fishman-HDW-2 User Guide discloses the invention as claimed as described in claim 4, **wherein providing the confirmation signal further comprises providing an audible signal to the user** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. The beep is seen to be an audible signal to the user).

Examiner recites the same rationale to combine used in Claim 4.

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27. **As to Claim 6**, Berger-Fishman-HDW-2 User Guide discloses the invention as claimed as described in claim 5, **wherein the mobile device comprises a headset having a speaker and providing the audible signal to the user comprises providing the audible signal through the speaker** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. It is inherent that producing a beeping sound on the headset would come out through the earphone (disclosed on page 7 of HDW-2 User Guide) which is seen to be a speaker).

Examiner recites the same rationale to combine used in Claim 4.

28. **As to Claim 23**, Berger-Fishman discloses the invention as claimed as described in claim 20. Berger-Fishman does not explicitly disclose **wherein the processing unit is further adapted to provide a confirmation signal to a user of the mobile device responsive to configuring the mobile device**.

However, HDW-2 User Guide discloses (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. This is seen to providing a confirmation signal to the user responsive to the configuration of the pairing)

Examiner recites the same rationale to combine used in Claim 4.

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29. **As to Claim 24**, Berger-Fishman-HDW-2 User Guide discloses the invention as claimed as described in claim 23, **wherein the confirmation signal further comprises an audible signal** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. The beep is seen to be an audible signal to the user).

Examiner recites the same rationale to combine used in Claim 4.

30. **As to Claim 25**, Berger-Fishman-HDW-2 User Guide discloses the invention as claimed as described in claim 24, **wherein the mobile device comprises a headset having a speaker, and the processing unit is further adapted to send the audible signal through the speaker** (Pages 11 – 12 of HDW-2 User Guide discloses pairing the Bluetooth headset with a phone. At the end of the pairing setup the headset beeps and appears in the phone menu to confirm that the configuration of the connection of the two devices is complete. It is inherent that producing a beeping sound on the headset would come out through the earphone (disclosed on page 7 of HDW-2 User Guide) which is seen to be a speaker).

Examiner recites the same rationale to combine used in Claim 4.

Conclusion

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 7130647 – Cordless Telephone System

U.S. Pat. No. 7278084 – Method and System for Providing Communications Security

U.S. Pub. No. 2005/0015618 – System and Method for Establishing Authenticated Wireless Connection Between Mobile Unit and Host

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN S. MAI whose telephone number is (571)270-5001. The examiner can normally be reached on Monday through Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/K. S. M./

Examiner, Art Unit 2456

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Supervisory Patent Examiner, Art Unit 2456